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MEMO ENDORSED

October 23, 2024

Hon. Barbara Moses
United States District Court
Southern District of New York
500 Pear Street, Courtroom 20A
New York, New York 10007

Re: Beatriz Diaz v. Schindler Elevator Corp.
Docket #: 24 CV 04602

Dear Honorable Judge Moses:

This firm represents plaintiff Beatriz Diaz, in the above referenced matter. I write on behalf of both parties seeking an adjournment of the settlement conference presently scheduled for November 7, 2024, at 2:15 pm, to a date after January 6, 2025.

The parties have been working together to complete discovery in a timely fashion. Plaintiff's deposition was conducted on September 14, 2024, and defendant's deposition was conducted on September 24, 2024.

Plaintiff's doctors recommended bilateral shoulder surgery prior to her deposition. Recently, the Workers Compensation Board authorized plaintiff's right shoulder surgery. Plaintiff has an appointment with her doctor on October 29, 2024 to schedule the surgery.

Plaintiff's upcoming surgery, and ancillary medical treatment, make it highly unlikely she would be able to attend the settlement conference on November 7, 2024.

The parties recognize that plaintiff's upcoming surgery, together with further depositions of all parties, will affect the settlement value of the case. Furthermore, a potential settlement would end plaintiff's right to Workers Compensation, thus making settlement unlikely. As such, the parties believe that a settlement conference on November 7, 2024 would be premature.

Judge Rochon recently granted the parties joint letter motion seeking to extend the discovery deadline dates. Pacer Document 16.

In that application, the parties further requested that the Settlement Conference be adjourned to a date convenient for your honor, but after the end of fact discovery. Judge Rochon

granted the extension of the discovery deadlines, extending fact discovery to January 6, 2025, and directed that the request to adjourn the settlement conference be made to Your Honor.

As such, the parties respectfully request that the settlement conference scheduled for November 7, 2024 at 2:15 pm, be adjourned to a date after January 6, 2025, that is convenient to Your Honor.

The parties thank and appreciate the Court's time and consideration of the issues.

Respectfully submitted,



Michael O'Hagan, Esq.
Mirman, Markovits & Landau, P.C.

cc.

Brian S. Gitnik, Esq.
Litchfield Cavo, LLP
Attorneys for Defendant
Schindler Elevator Corp.
By Pacer

Application GRANTED. The settlement conference previously scheduled for November 7, 2024, is hereby ADJOURNED to **January 14, 2025, at 2:15 p.m.** in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007. The parties shall submit their Confidential Settlement Letters and Acknowledgment Forms (*see* Dkt. 14 ¶¶ 3, 4) no later than **January 7, 2024. SO ORDERED.**



Barbara Moses
United States Magistrate Judge
October 24, 2024